

THE  
ANSWER

OF THE  
CANCELLOR  
MASTERS and SCHOLARS

of the University of OXFORD,  
TO

*The Petition, Articles of Grievance,  
and Reasons of the City of OXON.*

Presented to the Honourable Committee  
for Regulating the UNIVERSITY of  
OXFORD the 24<sup>th</sup> of July 1649.

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The second Edition.

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OXFORD,

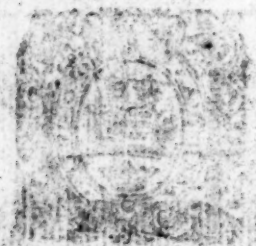
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THE  
ANNALS  
OF THE  
CONSTITUTION

OF THE  
UNITED STATES OF AMERICA  
FROM 1789 TO 1862  
BY  
JOHN C. CALHOUN  
OF THE SENATE OF THE UNITED STATES  
OF AMERICA  
IN TWO VOLUMES  
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The Second Edition.



OXFORD.

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April. 6. 1649.

To the Supream Authority of the  
Nation, the Commons in Parlia-  
ment Assembled

*The Humble Petition of the Major Aldermen,  
Bayliffs, and Commonaltie of the City of Oxon.  
in the County of Oxon.*

*Humbly sheweth,*



That they taking notice of the late memora-  
ble Acts of Parliament made for regulating  
of the Privy Councel, and for taking away  
of the Court of Star-chamber, the high  
Comission Court, and others of the like na-  
ture; and being thereby made sensible of  
your worthy intentions to disinslave the free borne  
People of this Nation from all manner of Arbitrary ju-  
dicature or Power, and enable them to live like Free-  
men under the known Laws of this Land; are thereby  
at this present emboldned to make known unto you, the  
most intollerable sufferings and oppressions, which they for  
a long time past, and yet by an Arbitrary and unlimited  
power exercised over them by the University of Oxon,  
have under-gone, and at this time suffer, as by particulars  
hereunto annexed may appear:

And for redress whereof your distressed Petitioners  
humbly implore your gracious assistance.

And whereas your Petitioners at this present, partly  
through decay of trading, and partly through the long and  
daily

daily payments, taxes, and quartering of Souldiers are very much impoverished, and their City abounding with such multitudes of poor people, that they are not able to relieve them without provision of a convenient stock wherewithall to set them on work; for the raising whereof, there is a certain large piece of ground, called *Portmead*, lying neer the said City, wherein your Petitioners have the Inheritāce and the Village of *Wolvercot* only Common of pasture therein by reason of vicinage which being enclosed and leased out for certain years would raise a convenient stock for the releif and setting on work of the said poor. The which your Petitioners are very desirous, and have much endeavoured to effect, but have been, and still are hindred in these their pious, and good intentions, by the Inhabitants of *Wolvercot* aforesaid; Albeit your Petitioners have been, and are willing to allow them a proportionable quantity of ground, to be allotted them out of the said ground in lieu of their said Common.

Your Petitioners likewise humbly pray, that they be enabled by Authority of this present Parliament, to enclose, and demise for some competent number of years, the said ground called *Portmead*, for the use aforesaid, leaving a proportionable quantitie of ground, or otherwise allowing some sufficient recompence unto the said Inhabitants of *Wolvercot* in lieu thereof,

All which we refer to the wisdom and judgment of this Honourable House, humbly desiring your serious and speedy considerations and resolutions herein, and to make such order for your Petitioners releif, touching the premises, as you in your grave wisdoms shall think meet and expedient.

*Answer shall ever pray, &c.*

A Scher



A Schedule of the Cities Grievances claim-  
ed at several times put in execution against  
them by the University.

1. **T**HE University claimeth power to determine all cō-  
troversies whatsoever, between any persons whatso-  
ever, if one of the parties be a privileged person (except in  
cases of main felony & freehold) & they claim allowance of  
their privileges in all other Courts, without pleading of  
them, & without fee; & to try matters of fact without jury,  
or without open examination of the witnesses in the case,  
but only in private, before a Register, and proceed in an Ec-  
clesiasticall way, by citation, excommunication, and the like;  
contrary to the course of the Common Laws; and their sen-  
tences are not grounded upon any certain Law, either Civil,  
Canon, Statute, or Common Law, but *secundū aquū & bonū*,  
and meerly Arbitrary; at the Will of the Chancellor, or  
his Vice chancellor, against whose sentence, how unreason-  
able soever, nor Writ of Error will be by them allowed, or o-  
ther redress admitted, but only by appeal before themselves,  
in their Convocation or Congregation, in which particular,  
the Citizens finde themselves much grieved, being by those  
proceedings not only delayed, but oftentimes defeated of  
their just debts, without any redress at all.

2. Without any lawfull power they take upon them to  
make Proclamations, thereby imposing not onely pecuniary  
mults, but also imprisonment upon such persons as shall not  
obey their matters contained in such Proclamations; & this  
not only upon Citizens, but likewise upon all others, dwel-  
ling within five miles of *Oxon*.

3. They claim & exercise a power over the Citizens, to im-  
pose 40 s. upon any Citizen being found out of his house af-  
ter 9 of the clock, albeit it be in the summer time; and albeit  
they be Constable in their search for Fellons, upon pursuit of  
hue & cry; or Aldermen of the City, or Justices of the Peace,  
in

in conveying of Malefactors to the Goal, or the like, and for default of present payment of the 40 s. to send them to prison, there to continue untill satisfaction made to the Proctors.

4. They claim the sole power of Licensing of Ale-houses, Brewers, and Maulsters, and usually take for the making of Licences for Brewers to Brew, and for Maulsters to make Mault 17s. 8d. and take Recognizances, of the Ale-house-keepers, but never returne any of them to the Quarter Sessions.

5. They have challenged to have power and *de facto* have exercised a power, to pull down the Citizens houses of Habitation; and some of the Burchers Shambles within the City.

6. They take upon them power to dis-common Citizens at their pleasure, and to inhibite all priviledged persons, to have any commerce or trading with them; which power they have also exercised upon divers Citizens.

7. They exact from the Mayor and sixty two Citizens, an Oath for the maintenance of the University Priviledges; whereas many of their pretended Priviledges are meere Usurpations and Inchoachments upon the Liberties of the City, which the Citizens by their Oaths are bound to preserve.

8. They claim and exercise a power to enforce the Major, and sixty two Burgeses of the City, to come yearly to St. Maries Church on the tenth of February (called by them *Scholastims* day) to make an Oblation at the high Altar, of sixty three pence for the slaughter of sixty three Scholars; *tempore, Ed. 3.* to procure a Mass for the souls of the sixty three slaughtered persons; for the non-performance whereof, they give forth, That they will put a bond in suit, which the City in those dayes entered into to the University.

9. They claim a power to make By-laws, thereby to bind the Inhabitants of the City, which are meere strangers, and were never called to the making of them.

10. They take upon them power to make new Officers, as Tole takers of Corn, and the like; and they constitute coroners,

ners, which Office of Right belongeth to the City by their ancient Charters, and Usage, time out of minde.

11. They Claim Fellons Goods, and Deodans, by their new Charter, albeit the City time out of memory hath enjoyed, and hath right unto them by their ancient Charters, as they conceive; and albeit, the City be at the charge of keeping of Fellons, and of the delivery of them.

12. The Market, the Soyl, and the Streets belong to the Citizens, together with Toll, Stallage, and Pitage, yet the University claimeth all these, and divers times by Proclamation alter the Market days; whereas the University have only the Clerkship of the Market, and the perquisites, and profits thereof, belong to the City toward the see-farm Rent.

13. They set up divers Taverns in *Oxonia*, and will not permit the City to set up any, contrary to the true intent of the Statute of 7. Ed. 6.

14. They claim power to set up Trades within the City, and to authorize Forraigners to exercise any trade there, as fully as a Freeman of the City; and that albeit such Forraigner never served as an Apprentice.

15. In case the City punisheth any irregular Freeman for misdemeanour, or make any By-law for regulating of such misdemeanour, they presently become servant to some Master of Arts, or else to be an under Gardner to some Colledge, or Hall, and thereby exercise their Trades, in contempt of the City, and their By-laws, and refuse to pay any payments with the City, except such as shall be warrantable under the Seal of the University.

April

April. 30. 1649.

**A** Particular of the Grievances of the City of Oxon against the Universitie of Oxon together with the reasons thereof exhibited unto the Honorable Committee for the regulating the said University, according to the directions of an Order of the said Committee of the 26. of this instant April. 1649.

1. Grievance

**T**hat Scholars and Priviledged persons draw Townsmen in suit to the Vicechancellors Court for any matters whatsoever (except Mayhem, Felony, and Freehold) as well in cases where they are Plaintiffs, as where they are Defendants: in which particulars, the Citizens conceive they have just cause of complaint for diverse reasons.

I.

First, for that by the ancient Charter of Hen. 1. Hen. 2. & divers other subsequent Charters confirmed by act of Parliament and allowed by Justices in Eyre and in the Courts at Westminster, they ought not to be impleaded out of their own Court, but to have their tryall in their own Court according to the Customes and usages of London, for that they are by their Charters to enjoy the same liberties and customs, and the Perquisites and Profits of their Court are parcell of their Fee-farme which would be less or at leastwise lessened in case that their suits and tryalls should be in the Chancellors Court, as well where a priviledged person is Plaintiff as Defendant: there being at this present near about a third part of the Householders within the City priviledged by the University as is conceived.

2.

Secondly, For that the proceedings in the University Court are by citation *Vitis & modis*, Libell, Excommunication, and the like, and the sentences of the Chancellor; or his Vicechancellor, or Commissarye not confined or tyed to any certain Law, either Civill, Canon, or Common Law. But either according to any of these, or according to the Customes & statutes of the University heretofore used

or hereafter to be ordeined, or according to his and their best discretion; notwithstanding any statute whatsoever either made or to be made, against whose sentence (be the same just or unjust) there is no remedy either by removing the cause to any of the Courts of Westminster either of Law or equitie or otherwise then before themselves.

Thirdly, for that diverse Citizens have commenced severall suits in that Court both for just debts due unto them by bond, as also for insufferable injuries committed against them by priviledged men after long and tedious suits of 3 or 4 years standing, and much expence, have been destitute of any redresse there at all.

Fourthly for that (as the Citizens conceive) that Court and the order and manner of their proceedings consisteth not with the present Constitution of the Commonwealth or the Liberty of the People, this particular not onely concerning the Citizens of *Oxon*, but all others who shall have any commerce or dealing with a Schollar or a Priviledged Person.

The University claimeth a power to imprison, and to impose a mulct of 40s. upon any Citizen being out of his house after nine a clock at night without such reasonable cause as the Proctors or Vice-chancellor shall allow of, the Proctor having the benefit of the Mulct, and this hath been exercised not only upon private Citizens but upon the publique Magistrates and Officers of the City, as Bailiffes, Constables, and the like being in the execution of their offices to preserve the peace, to pursue Hue & Cryes to-keep watch and ward, Convey offenders to prison by vertue of the Justice of peace warrants; to prevent escapes from the Goal, whereof the Bailiffes have the charge and the like, which the Citizens conceive to be a great Greevance contrary to the great Charter, and other Laws, to their Native and just liberties, the reasoner for that the five Aldermen and eight Assistants of the City, besides what the Law of the Land require, are by their Auncient Charters and by their Oathes bound to search for and apprehend

prebend. Malefactors within the City as well by night as by day, Nevertheless the said Citizens can desire no lesse, but that if the Major or any Officer of the City find any priviledged person disorderly and irregular they may have power and liberty to secure them untill they may be sent to the Vicechancellor or Proctor, and they to deale in like manner with the Citizens. But that the University should impose such a mulct and inflict imprisonment for Non payment upon a Citizen that is abroad after such a time about his lawfull occasions, and to make the Proctor judge in his own cause whether it was a lawfull occasion or nor, he being to have the 40s. And for a civil man to goe to the Vicechancellor for leave to be out of his house after nine of the clock or not to stirre abroad before 4 of the clock in the morning is conceived by us to be a greater tyranny then is fit for any freeman to beare.

### 3 Grievance.

That the University have heretofore restrained all Bakers and Brewers within the precincts of the City and Suburbs thereof to bake or brew within the City, except they first take Licence from the University, for which they challenge 17s. 8d, and also enforceth them to take an Oath to observe such assize as the Vicechancellor from time to time shall appoint, the which the Citizens conceive to be a Greevance and a burthen both in respect of the money extorted from them, there being no such somme of money due by the Laws of this Land for such licence, as also for that they conceive it most proper and peculiar for the City to set up and order Trades within the City where they served as Apprentice, and for other reasons her easter mentioned in the Grievance concerning Trades being contrary to the Liberty of the People, and a priviledge no waies suitable or proper (as the Citizens conceive) for Scholars to pretend unto.

### 4 Grievance.

The Vice-chancellor heretofore hath by power pulled down some Citizens houses of habitation for which there as yet hath no satisfaction been made either to the Tenant or Tenant in possession, or to the Citizens who had the inheritance

heritance thereof. As namely in particular the house of one *Tredwell*, then worth 10*l. per annum*; and the house of one *Master Chambers* worth 6*l. per annum*; for which it is conceived the Vniversity ought to make satisfaction both to the Tenants and the City.

The Citizens conceive it to be a great pressure and inconsistent with the Principles of charity, or the liberties of the people, or the Lawes of the Land to inhibit all the Members or priuiledged persons of the Vniversity to haue any commerce, trade, or dealing with such Citizens as the Vice-chancellor or Proctor at their liberty shall dislike, it being a means to breed enmity between neighbour and neighbour, and to hinder mutuall amity between friend and friend; as also tending to a Monopoly of Trading; and dose for the maintaining of some private interest, of meere will and power against the publique interest of the Cities Liberties. And also to the utter ruine and destruction at their pleasure of any Citizen and his family in their Trade.

Touching the Oath that the Vniversity demandeth of the Major and of the Citizens

The Citizens take it as a grievance and burthen to their Consciencies (which they hope the wisdom and Piety of the Parliament will not suffer) to haue an Oath imposed upon them in Generall Tearmes to maintain the Priuiledges of the Vniversity, the Citizens not knowing what they are. And the Vniversity pretending all to be just which they claim; and besides the Major by his Oath is bound to maintaine all the rights and liberties of the City; many of which do clasp and stand in opposition to diuers of those which the Vniversity claim.

The Citizens find themselves very much agreed that the Major and 62 Citizens with him should be compelled to come to St. *Maries* yearly upon the tenth day of *February* to make an oblation there at the high Altar of 6*3* pence for the soules of 63 Scholars or Priuiledged persons slaine in the time of *Edward 3<sup>d</sup>*. This in the Original being grosse superstition and the memory and continuance of it to be

abolished



totally abolished without any memorial thereof to be observed: And therefore hope and desire that one Indenture and one obligation of the penalty of 1000 markes entered into by the City unto the University in these daies of superstition, for the continuance of that superstitious anniversary, may be delivered up to the Citizens to be cancelled, and the obloquie put upon the Citizens by reason of this Ceremony quite abolished, And whereas the University now saith that they will be content with the 5s. 3d *per annum* and dispense with the superstitious Ceremony, the Citizens desire by the wisdom and Authority of Parliament they shall be excused from any such acknowledgment of that servile and superstitious nature, Not that we should contend with the University for such small matters (towards whom we ever have, and shall respectively Comport our-selves) but that we may not part with our liberties at any rate nor bare witness against the truth.

The University claimeth power to make By-Laws to bind the Inhabitants of the City, and to lay both pecuniary Mulcts and Imprisonment upon the breakers thereof as upon Taylors that have made Gownes after other fashions then have been set down in their Private orders, which the Citizens conceive to be an unjust and arbitrary practice, That they should be bound by such Laws as they never knew, nor never consented to by themselves or any representative. And their estates and persons should be lyable to the pleasure of others to whose Acts or Actions they are no waies Privy, and is as they conceive contrary to the fundamental Laws of this Land, and the liberty of freemen of this Nation.

The University claimeth Felon's goods and Deadlands which the Citizens take as a Greivance for that by their Ancient Charters they are by apt words granted unto them. And moreover the Citizens have the Custody & charge of the Goal and of the Prisoners, and the power to deliver the Goal and lyable to all escapes, And it seemeth unreasonable that Citizens should be at all the charge of the University

Vniuersity to have all the profit, and such perquisites (besides for the reasons aforesaid) may seem not very proper nor convenient for Scholars to trouble themselves withal.

The Vniuersity inhibiteth the City from setting up any Taverns within the City, or the selling of Wine by retails, the which the Citizens conceive to be against the true meaning of the Stat. 7. Edw. 6. And against diuers of the auncient Charters of the City, and therefore desire that this Grievance likewise may be redressed.

The Vniuersity assumeth power to set up Trades within the City, and to authorize Forraigners to exercise Trades there, albeit they never serv'd as an Apprentice, the which the Citizens take as a great Greevance and oppression, It being granted unto them by diuers and sundry auncient Charters and confirmed in Parliament That no person or persons whatsoever, who are not of their Guilde shall set up any Trades or sell by Retaille with them, much lesse that such that have not served as Apprentices, nor are liable to performe duties or seruises of the Commonwealch as they pretend.

The Citizens are willing that the Vniuersity may enjoy and continue all just and due Priviledges, which either make for the advancement of Learning, or are fit for them to enjoy, but any priviledge or practice, which exalts it selfe above the power of the Civill Magistrate, which is founded upon superstition or Tyranny, or which is inconsistent with the freedome and just Immunities of a subject or free Citizen, they may hope and earnestly pray may be by the wisdom and goodnesse of this Parliament quite abolished.



JULY 24. 1649.

THE ANSWER OF THE  
CHANCELLOR, MASTERS,  
and Scholars of the University of  
OXFORD, to the Petition, Articles  
of Grievance, and Reasons of the  
City of OXON.

According to the directions of an Order of  
the Honourable Committee, 21. of *June* 1649.

*To the Petition.*



Hereas the Petitioners charge the University with the exercise of an *Arbitrary* and *unlimited* power over them to their most intolerable sufferings and oppressions, which they pretend they have for a long time undergone, and *at this time* suffer, (although the Petitioners by their Councill at severall times before this Honourable Committee have acquitted the present Governors of the Vniversity from any such charge, and although the Vniversity for many years now late past have suffered great wrongs, & diminutions of their just and ancient rights by the Petitioners, who have taken upon them to dispossesse them of some of them before complaint, and of others while their complaint is yet depending.) We

We answer and say, *That the University neither hath exercised, nor does challenge the exercise of any Arbitrary power or jurisdiction over the Citizens; But onely such just Power as they are by Law and Custome confirmed by Act of Parliament warranted unto.*

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*Concerning Port-mead.*

1. We answer and deny that the Petitioners have the inheritance of the said Meadow, but only a *right of Common*; and that divers Colleges of the University, and their Tenants, and other men, are (as we conceive) equally interested with the Petitioners in a *right of Common* in that Meadow.

2. That the number of *poor People*, both now and heretofore abounding in the City, is very much occasioned by the Petitioners illegal erecting of multitudes of *Cottages* upon the Town wall and Ditch, which they rent out to such poor people, & thereby much enhance their own Revenues to the prejudice and impoverishing of the University, by whose Free and charitable contributions those poore are exceedingly relieved and maintained.

3. That if all the Charitable donations given to maintaine the *Poore of Oxford* by several *Members of the University* were rightly employed by the Petitioners to that end for which they were given, they could not want a convenient stock where-withall to set them on work, as we conceive.

4. That the improvement desired by the *inclosure of Portmead* would not be only to the prejudice of the right of several Colleges & their Tenants in respect of their said *right of Common* therein, but to the generall

generall impoverishment of the *poore* inhabitants of the Citty, who claime and use a like right of Common in the said ground, which hath beene, and is a great support to them, and therefore when the like designe of enclosure hath heretofore been attempted by the *richer* Cittizens, it has been mainly opposed and hindred by the *poore* inhabitants of *Oxons* and so( we conceive )they doe oppose it at present And it is to be considered that the *piece of ground* which they desire to enclose contains by estimation eight hundred *Ares* of rich Meadow.

5. If the Citty have the *inheritance* of port-meadow, & that it shal be thought fit to give way to such an inclosure as is desired for the ends by them proposed, the Vniversitie will not oppose, so as their interest in the disposing, and the right of the Colleges and their respective Tenants be preserved, or a valuable consideration given them in recompence of their said *Common* in the said Meadow.

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*To the first Article of the Citties  
pretended Grievances.*

1. **W**E answer and say. That the Univerſity hath, time out of minde, ( and are warranted soe to do by divers Charters confirmed by Act of Parliament ) exercised *Power* and *Jurisdiction* in all Causes mentioned in this Article, whereof or wherein a Priviledged person is one party.

2. We do claime *Allowance* of our Priviledge for such Persons justly priviledged in the Chancelour shall under the Common seale certifye to any Court to be so priviledged; & we have had it with-

out the formalitie or charge of long Pleading, paying only a fee for the allowance of the Certificat.

3. We have ever proceeded according to the course of the *Civill Lawes*, and after witnesses have been openly produced in Court and sworne, their examinations are taken in writing by the Judge and Register, and then published that all parties may have Copies of them, according to the course of the *Civill Law*, the High Court of Chancery, and the Admiralty.

4. We do not Proceed in an *Ecclesiasticall* way, but in causes Ecclesiasticall.

5. Sometimes heretofore we have used the censure of *Excommunication* against our own Members at the instance and for the benefit of the Cittizens; but not so these fifteen or sixteen years, and that course being now in effect abolished by Act of Parliament, it cannot be matter of present or future Grievance to the Petitioners.

6. We do use Summons or *Citations* at first, before we grant out an Arrest against persons of quality, and such as are likely to abide and continue within the jurisdiction: But against Strangers that have no abiding there, and against such as are like to fly we do grant Arrests without any previous Citation.

7. That our Sentences are (as the Petitioners untruly suggest) *meerly arbitrary and grounded upon no Law, but at the will of the Judge*, we deny; For in his Sentences the Judge follows the Justice and Equity of the *Civill Law*, and Common Law, and the Statutes of the Land, against which he cannot nor does not judge.



3. If the Judge be thought to have judged erroneously or unjustly, *Writts of Error* are not brought to our Court, because the manner of proceedings there are not as at the Common Law, but the party grieved may either *appeale*, or complaine of a nullity, and have redresse. And if it be appealed in the University there are there appointed yearly *four* or five Doctors, and some Masters from the Congregation and Convocation to heare the complaint, & from their judgements there lies an *Appeale* to the Supreme Power in Chancery, where the Judges of the Land & other learned Lawyers both Common and Civill have usually been nominated Judges Delegates, as in the Admiralty and Prerogative Court.

*To the Third.*

The University does claim the *Night-Walkers* and by Custom confirmed by Act of Parliament hath exercised the same time beyond the memory of man; and that if any man be found by the proctors abroad in the night without a reasonable cause by the same Customs he is liable to pay forty shillings for his *Navigation*; & this extends as well to Townsmen as Schollers or Strangers. But for barely being abroad about a mans owne private, or any other publique occasions, such as are specified in this Article, we absolutely deny.

4. We further affirme, that if any man be taken in the Night he may put in Bayle and shew a reasonable cause of such his being abroad the next day, or as soone as he can; and upon his so doing he is to be dismissed without any payment.

3. If any Proffor have at any time transgressed the just bounds of their power, the Vniversity does not avow them in it, the party greived may take his course against him.

*To the Fourth.*

The Vniversity time out of minde hath used the sole power of admitting or *Licensing* Common *Brywers*.

*To the Fifth.*

The Vniversity never did *challenge* or *exercise* any such power as is mentioned in this Article.

*To the Sixth.*

The Vniversity doth not take upon them to *Discommon* any man at pleasure; but only upon very great cause and wrong to the Vniversity after motion and due proceedings, and that by common consent in Convocation.

*To the Seaventh.*

The Vniversity by severall Charters confirmed by Act of parliament does require an *Oath* of the Major and sixty two *Cittizens*, to maintaine their lawfull Priviledges, & so it is expressed in the Oath.

*To the Eighth.*

The Vniversity doth challenge by Agreement and Indenture under the common Seale of the Towne - Corporation the *Offering* of sixty three pence yearly by the Major and sixty two Burgeses: But without any relation to the *High-Altar*, or *Chasse*, or the *Soules* of so many persons slaine.

*To the Ninth.*

The Vniversity by Custome confirmed by Act of parliament does claime a power to make *By-Lawes*, for the good government of the Vniversity and the Peace of the Place, in such things as belong *solely* to the jurisdiction of the Vniversity; whereby the Townes men as well as others are obliged in order to the peace and good government of the Vniversity: But in things that belong to the government of the Citty we meddle not.

*To the eleventh.*

The University claims *Felons Goods* and *Deodands* by an ancient Charter confirmed by Act of Parliament; and we deny that the City has any right to them at all.

*To the Thirteenth.*

The University does *license Tavernes* in Oxford, according to the true intent of the Statute 7<sup>o</sup> Edw. 6<sup>ti</sup> and the persons so licensed are, and may be Townesmen as well as Priviledged persons. And the City hath no right to set up any.

*To the Fourteenth.*

The University by ancient Custome and severall Charters confirmed by Act of Parliament, and special Compositions with the City doth Claim, that Priviledge persons may *exercise Trades* according to the Law, as far forth as any Townsmen; But against the Law (as not having served as an *Apprentice* in such Trades where the Law requires it.) we neither challenge nor exercise any more power then the Citizens themselves. To

To the *Second, Tenth, Twelfth, and Fifteenth*, and part of the *Fourth* we have forborn to answer, in regard the Petitioners have omitted them in their last paper of *Grievances* of the 10th of *April*; and by their Council in the Audience of this Committee upon the 21. of *June* did openly declare they would not insist upon them.

To the Paper of Reasons exhibited by the Petitioners *April 30. 1649.*

1. *To the Reasons of their first Grievance.*

I. **T**O the first Reason of their first Grievance We answer, and deny it to be true that they have any such Charter *allowed in Eyre*, or any such Custom as is pretended, viz. *Not to be sued out of their own Court*; Nor ought to have for the reasons following.

1. For that the University Court and the jurisdiction thereof, is of a higher antiquity then any Charter of the Citizens legally confirmed concerning their Court.

2. For that in the most and principal Charters of the City, as also in such Acts of Parliament as tend to the confirmation of them, there is an express saving of all the Rights and Priviledges of the University.

3. For that it appears by common Practice that the Citizens mutually sue one another in the Courts at *Westminster* and elsewhere, both by original Suits commenced in those Courts, and by

by removing their Suits out of their own Courts by Writs of *Habeas Corpus*, *Certiorari*, and *Writts of Error*.

4. For that they are ordinarily sued by Strangers both in the Courts at *Westminster*, and other Courts; and we cannot find that ever they pleaded any such *Charter of Exemption*; or if they did, that any such Plea was ever allowed to them; Whereas the Universities Priviledge hath been frequently pleaded and in all ages *allowed*.

2. Whereas the Petitioners claim by their Charters *the same Liberties and Customs with London*.

*We answer.*

1. The Petitioners have not made it appear, nor so much as asserted, that *London* has any such Liberty or Custome, whereby *They* may, not sue & be sued out of their own Courts.

2. That supposing *They* have such a Liberty or Custom *at present*, yet the Petitioners have not made it appear, or so much as asserted that *London* had any such Liberty at or before the time of the Grant of those surmised Charters to the City of *Oxford*.

3. That divers other Citties and Boroughs in *England* have by their respective Charters like Grants of the same Liberties with *London* and *Oxon*, who yet are not exempted from suing and being sued out of their own Courts.

4. That it will appear that the most ancient, Charter which the City of *Oxon* can pretend to in relation to the liberties of *London*, is utterly repugnant

Pugnant to it selfe as to the principall of those Liberties.

5. That *Custom* is the work of time, and grows without Charter, and therefore can not be granted by Charter.

6. That the *Customs of London* are of great variety, to some of which (notwithstanding their Charter be general for all) the Citizens of *Oxon* do not pretend; and to othersome when they have laid claim by suits at common Law, by petition to the Lord Major and Aldermen of *London*, by petition in Parliament, and by pleadings in Eyre, their claim ha's not been allowed.

3. Whereas the Petitioners suggest that their *Fee Farm* would be either lost or lessened in case their suits and trials should be in the Chancellors Court,

*We answer.*

1. That ever since the Borough of *Oxon* was first rented out to that Corporation in *Fee Farm*, they have continually fallen in their Rent, but enhanced their *Revenues* by Challenging and taking several particulars as belonging to their *Fee Farm* which in truth are no part of it.

2. That granting the *perquisites of their Court* from the proper Suiters to be part of their *Fee Farm*, yet their suing and being sued in the University Court, where a Scholler or priviledged person is one party, would nothing impair the just *perquisites* of their Court or *Fee Farm*, in regard it was never otherwise since they had either Court or *Fee Farm* in *Oxon*.

Whereas

4. Whereas the Petitioners conceive there are at this present near *about a third part* of the householders within the City *Priviledged* by the University,

*We answer.*

1. That we conceive a *tenth part* of the Householdholders within the City and Suburbs are not *priviledged* persons; And that as the *benefit* of their *priviledge* by the daily growing oppressions and vexations of the Petitioners is in a manner wholly destroyed, so the *number* of *priviledged* persons is much less than ever it was heretofore within the memory of man.

2. That if it were true which the Petitioners suggest, it thence follows, that the Petitioners by desiring (as they do in their Article) to restrain *All Priviledged* persons from exercising any Trade within the City, do thereby desire to expose a *third part* of the Householdholders within the City as (being *priviledged*, as they say) to want and beggery.

*To the second reason*

*We answer.*

That it proceeds wholly upon mistakes of the manner and rules of *proceeding* in the University Court which we conceive we have sufficiently cleared in our former Answer to their *First Article of Grievances.*



*To the Third Reason  
We Reply.*

That there is as quick *expedition* in our Court as in any other Courts, and they may as well object *That divers persons commenced several Suits in the Courts at Westminster for just debts due unto them by bond and for injuries committed against them, and yet* (it may be for want of good proof by witness or otherwise, as for want of able Counsel, or careful Attornies to look well to their pleadings and executions, or for want of abilitie in the parties sued) *after long and tedious suits and much expence have been destitute of any redress; and therefore this manner of reasoning is not at all concludent, being an argument drawn à non causa ut Causa, which if it were of any force, we might easily turn the edge of it upon the Petitioners, by giving instance in a Priviledged person who ha's a Cause now or lately depending in the Town Court, wherein he sues divers Citizens for a just debt upon Bond, and though his debt and Bond were well proved or ready to be proved by sufficient witnesses, and no defect in his Counsel or Atturney, nor any disability in the Defendants, yet could he not get his money in that Court, after a long and tedious suit neer two years, and much expence. Yet is not the Court to be blamed; but the dilatorie cunning of the Defendants, and we cannot think it reasonable to charge the saylings of men, or other intervening casualties, upon the Law or the Court, either theirs or ours; the due proceedings of which later are in themselves, as compendious as of any other ordinary Court whatsoever.*

*To the Fourth and last Reason.  
We answer.*

1. That such Courts as ours have been found by long experience to *consist* very well with the most flourishing *Commonwealths* that ever were or are in the world, and with the liberty of those people who had or have no other order or manner of proceedings in their Courts then such as is objected to ours.

2. That (as we humbly conceive) the wisdom of this State in former ages thought it fit that our Ancestors should use the practise of the *Civil Law* in our Court, the better to train up young Students in the knowledge of them, that they might thereby be made more serviceable to the *Common-wealth* in affairs at home and abroad.

3. That our University Court is of such antiquity that the Common Law Books, and some very ancient, take frequent notice of it, the proceedings thereof being always allowed by the Common-Law. And the Lord Chief Justice *Cook* in his Book *Of the Jurisdiction of Courts in England* (lately published by authority of the Honourable House of Commons) makes honourable mention of the Courts in both the Universities.

4. That if the Citizens be Plaintiffs (as most commonly they are) besides the expedition which they may find there, They may have the benefit of the Defendants Oath to ease them in their proof; They may have *good sureties* put into Court not only to bring in the Defendants but also to *pay the Judgment and Costs* of Suit; They may *arrest* not only

the Body of any Priviledged person; but also his *goods, debts, and things in Action,*

5. That though this particular (if it were a grievance) does not only concern the Citizens of *Oxon*, but *all others* who shall have any commerce or dealing with Schollers or Priviledged persons; yet have *no others* complained of our Court, and the Petitioners of all others have least cause.

6. That we do not challenge or exercise any other jurisdiction over the Petitioners or others in the University Court then the Citizens of *Oxon* themselves, and all or most other Cities and Boroughs in *England* do claim and daily practice without contradiction over all other free-born people of the Land; to wit, to Arrest and compel them to answer in their respective Courts, *if they can be there legally attached to Answer.*

7. That we do not claim or exercise any greater or other Priviledg in this particular then (as we conceive) is granted to and used by other Vniversities in *Europe* as well as ours; to wit, to sue and be sued before their own Judge, a Priviledge indulged to them and us *in favour of Learning*; That Schollers may not be called abroad to answer Suits, to the great neglect of their studies and expence of their time and money.

8. That in *mixt Suits* where one party is of the Priviledge of the Vniversity, and the other of the City since it cannot be otherwise, but such Causes must be heard and determind either in *our Court*, or the *Town Court*, or both must be. subject

to a *foreign jurisdiction* (which would be equally repugnant to the Priviledges of both Bodies, no way advantageous unto them, and extreemly inconvenient for us) we cannot but conceive it more consonant to *justice*, and withal more *convenient* that the Priviledge of the *Vniversity* should herein take place of *theirs*.

1. Because this Priviledge has been *anciently granted* to us, and we have been many hundred years in *possession* of it, and it is also *confirmed* unto us by Act of Parliament.

2. Because the Judges in the Vniversity Court, having no interest in the particular Suits, brought before them, cannot be thought other then indifferent; Whereas if Schollers should be Sued in the Town Court where the Major and Bayliffs, Judges and Jury, are all Tradesmen, it is very much to be feared it would go hard with the poor Schollers.

3. Because (as we humbly conceive) the Vniversity is still (as it has alwaies been reputed) the more noble Corporation, more Serviceable in the publick, and in which the whole Nation has a greater interest then in the City or Citizens; who for the most part are beholding to the Vniversity for much of their livelihood and subsistence (as themselves in the *fifth Article* do imply) whereas we have no dependence upon them, but only wares for our money at dear rates.

4. Lastly,

4. Lastly, Because (as we likewise conceive) if the Petitioners should prove so unfortunately successful in their desires to obtain the liberty of Suing Schollers in their Town-Court, it would prove in the end very prejudicial to themselves; for besides that it would minister occasions of discontent and continual quarrels betwixt the Bodies, it would deter Schollers from having any dealing or commerce with their new Judges the Citizens.

## II:

*To the Reasons of their second Grievance,* made up with divers specious instances to cast aspersions upon the Univerſities Right, and Priviledge of the *Night-walk.*

### *We Answer.*

1. That this Right and Custom is so ancient, so strengthened by confirmation of Parliament, and the benefit thereof so great to all inhabitants by the careful practice and exercise of it, and the continuance of it so absolutely necessary for the good government of the Univerſity, (especially for securing younger Scholars against the many temptations to lewdness and looseness, which they ordinarily are exposed to by means of such Townsmen as make their own advantage out of the others luxury and deboyſtneſs) that no man of any civil conversation, Stranger, Sojourner, Citizen, or other, hath ever expressed the least reluctancy against it: As for such disorderly walkers, who are of a contrary disposition, it is used only to reduce them  
to

to civility; and the Proctors exercise the like power over them, which the Constables and Magistrates in other places are allowed by the Laws of the land, to preserve the quiet of the place, and to punish the misdemeanors of such as are disorderly.

2. We do not know that any Proctors ever exercised such power over the Publike Magistrates of the City in the due execution of their offices as is charged in this Article: Or if any did the parties grieved might have their remedy against them; the University does not claim any such power.

3. We answer and deny That the City have any such ancient Charters concerning *five Aldermen and eight assistants* of the City as is pretended in this Article.

4. We likewise deny that in the case of *Noctivagation* the Proctors are any *Judges* at all, but only Relators of the Offenders; nor are they to have the forty shillings, but only the half in case of legal conviction, as in all other cases of mulcts.

5. As for what the Petitioners have proposed as an expedient in this point, *That the Town Officers may have as much power over us, as the University Officers over them*, we conceive it would be neither *just* nor *safe* for them to endeavour, or us to consent to the dividing that power with them which by Law and practice is wholly ours, and which is so absolutely necessary to the well governing of the University. Besides, we conceive that if both parties should walk in the Night it would breed occasion of quarrells and tumults if not Blood-shed. And how little cause the Petitioners have to complain  
of

of Tyranny in the exercise of this power, we dare appeal, *to the consciences* of the best and gravest Citizens, whether *they* have not enjoyed both quiet and profit by the vigilant care of the Proctors in the Night watch : *To the knowledge* of such others of their Body, whose disorders made them justly obnoxious to that power, whether they have not usually been much more favorably dealt with than the members of our own Body : Lastly, *To the Testimony* of many other civil Gentlemen both of our own and forraign Nations, who in times of peace did use to come and sojourn in *Oxford* ; whether they did conceive it any Grievance to them to be subject to this and other rules of Government of the University, which the Petitioners are pleased to traduce as *arbitrary and Tyrannical*.

## III.

*To the Reasons of the Third Grievance.*

*We answer.*

1. That the University having the undoubted *Affize of Bread and Beer* (and the *Oath* for the observing that *Affize* being a necessary consequent depending on it) the right and custome of admitting and *Licencing* of common *Brewers & Bakers* in *Oxon* is not only ancient, but for the fitness thereof hath also received and had confirmation by *Act of Parliament*. Neither is it without examples of like nature in the *Book-cases*, where time hath indulged the like custome to persons of qualitie in other places. And this particular right of the University hath not many years since been declared by the  
free



free and voluntary acknowledgment of the Brewers of *Oxon* themselves, as in due time will be shewed in writing.

2. As for the *Fees* of such *Licences* or admissions, we answer, They have been anciently paid to several *Officers* of the Vniversity for their pains about that business, and are (as we conceive) in themselves but moderate, far short of such *Fees* as are required by the City, and their members in other like cases, But the Vniversity claimeth no Fee to their Body for any such Grant or Licence.

3. We further conceive it is not *improper* for the Vniversity to have this right, (which in all probability) would be worse practised and with greater prejudice to the publick, if exercised by the City; whose chief Magistrates are for the most part men of the same Trades, and who by several Acts of Parliament are prohibited from entermiedling with the Assizing and Correction of victuals, or the defaults therein,

#### IV.

*To the Reasons of the fourth Grievance.*

*We answer.*

1. The Vniversity never *challengeth*, nor did any Vicechancellor ever exercise any such power of *pul-ling down*, or abating, *Townsmens houses*.

2. As to the two instances, we say, Those houses were both erected by the City and those who derive from their Title, with such prejudice to the common passages adjoyning that they were presented at the Leet as *Nuisances*, whereupon they were

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ordered

ordered to be abated, *viz.* so much of the *first* of them as might enlarge the passage at *Smithgate* (which had been obstructed by that encroachment) to the conveniency of a Coach or Cart-way, and what was done by the Vicechancellor herein, was upon the request of the City, expressed in their Letters to the Lords of the Privy Council the 17. of *April*, 1634. by whose Order thereupon made, the oversight of doing thereof was referred to the then Vicechancellor, as intrusted with the Care and Custody of the Streets there: The *second*, totally to be demolished, as being most notoriously disliked and complained of by the whole Countrey and all passengers, to whose great danger it was in their travel over East Bridge, whereupon it was newly erected. Upon the doing thereof the Lords then directed that convenient recompence should be made to the Owners of those houses by those that did abate them; which was in truth the Citty themselves, and not the University or Vicechancellor.

## V.

*To the Reasons of the fifth Grievance.*

*We answer.*

I. That the matter here intimated by the Petitioners (for it bears not any direct charge of *Discommuning*) is an ancient Priviledge of the Vniversity, albeit rarely practised and not but upon great provocation, to which the Vniversity has recourse as to their last refuge against the professed Adversaries of the publick rights, peace, and good government

ment thereof, and that only by their joynt and general consent in Convocation, wherein we conceive our proceedings justifiable,

1. For that of common right trading is free for all persons, where & with whom they please; and the same measure we do herein meete to the Citizens, they may, and we are content (if they see just cause) they shall meete to us again.

2. For that the Petitioners do the like themselves not only towards the Vniversity and Priviledged persons, but even to members of their own Bodie.

2. We further answer, That this practice of the Vniversity cannot in congruity be construed as tending to a *Monopoly of Trading*, in the intentions of those that use it; who are neither so ignorant of their own interest, nor so much enemies to it, as to desire any thing more then an universal *Freedom of Trade*; which as it is most consonant to the native liberty of every Freeman and to the Common Law of the Land; so would it be more beneficial to Scholars then any other persons, they living wholly upon the penny, buying all commodities, but having nothing to sell. But whether the Petitioners themselves, be not in an high measure guilty of that crime, which they here object to the Vniversity we desire may be considered, for that they have got, by purchase or otherwise, into their hands several ancient *Faires*, and *Markets* heretofore used to be kept in *Oxon*, and sometimes belonging to some Colledges, and have suppressed them to make way for their own sole Trading in that place; and have of late without

any just warrant, erected new *Corporations* of particular Trades, and by colour thereof engrosse such Trades among themselves, to the great prejudice of other Tradsmen, and the enhansing of prices upon all manner of buyers.

## VI.

*To the Reasons of the sixth Grievance,  
We Answer.*

1. That the *Oath* complained of by the Petitioners, as to the *form* of it, hath been approved and settled upon soleme debate in Parliament above four hundred years ago.

2. Whereas they object against it that it is conceived in *General terms*, We replie, So are all those Oaths which are required by the City of *Oxon* and other places of all their Freemen, when they are first enfranchised, *to preserve the Liberties* of their respective Corporations.

3. Whereas they pretend *ignorance* of our Priviledges, and thereby insinuate how unjust it is they should Swear to preserve them, We answer, That neither this Oath which we require, nor any other of that kind which is conceived in *General terms* does, by intendment of Law, bind the takers to any farther observance of the particulars comprehended within that generality, then *as they shall come To their knowledge*; And we farther say; That this reason (if it be of any force) is much more pregnant against that Oath, which is usually imposed upon all the Freemen of *Oxon* at their first admittance, *to maintain and keep all the Franchises, Liberties, and Customs*

*Customes of the Citty*, to which many of them are altogether strangers at the time of their taking that Oath, Whereas none are required or admitted to Swear to maintain the Liberties of the Vniversity but a few Cittizens of the Graver sort, to whom by reason of vicinity and long conversation amongst us, the Customs and Liberties of the Vniversity are sufficiently known.

4. Though we do confesse *all* Priviledges to be *just* which we claim, yet we neither pretend to be our own Judges to determine, in point of Controversie, *which are just*; neither do we pretend that the Major or any Cittizen is bound to Swear, or if he do Swear is bound to maintain all or any Priviledges barely claimed by the Vniversitie as *just*, unless they be so in themselves, and have been *lawfully used* by the Vniversitie, And therefore since (as is clear by the words of the Oath) we do not claim that the Major and Cittizens ought to Swear to maintain any other than the *lawful* Priviledges of the Vniversitie, And that it is acknowledged by the Petitioners, that the Major is bound by his Oath (and known by common practice, that every Freeman is in like manner bound) to maintain *all* the Liberties of the Citty, and that *many* of those do *clash and stand* in opposition to diverse of those which the Vniversitie so claim, It must follow, that *all* such pretended Liberties of the Citty as do clash with those Liberties of the Vniversity, which the Major & Cittizens are required by Oath to maintain, must be in themselves unlawful.

5. Lastly, we crave leave to observe a very preposterous

posterous course taken up by the Cittizens of latter times to overthrow the just and ancient Rights of the Vniversity, by the new forged Engines of their City Oaths, for first they frame an Oath contrary to our Priviledges, and then complain of our Priviledges for being contrary to their Oath.

## VII.

*To the Reasons of the seaventh Grievance  
We Answer.*

That for the great loss sustained by the Vniversitie in *Edward* the Thirds time by the cruel and bloody outrage of the Townsmen against the persons and goods of many thousands of innocent Schollars, the Major Bayliffs and Commonality then entered into two Bonds, one of *Five hundred pounds*, and the other of *a hundred marks* yearly to the Vniversitie; the *former* was given up upon the payment of *fifty pounds* only, (no way answerable to that loss) the *second* was suspended by an *Indenture of Composition* so long as the Major and sixty two such Townsmen as had been sworn that year to preserve the Priviledges of the Vniversity, should yearly upon *Scholastica's* day repair to *St. Maries Church*, and be there present at such Service as was suitable to those times, and should then and there offer sixty three pence: which was to be distributed two parts to the poor, and a third to the Minister of the Parish. Vpon the Reformation in *Queen Elizabeth* time, by consent of both Corporations, that Service was changed into a *Sermon* or *Communion*, but the *Offering* was agreed to be continued; which  
if

if the City will redeem the University expects *First* recompence for the remainder of the Money abated upon that first agreement, *Secondly* a reparation for the Scandal of this Article and Grievance, there being none more abhorring of *Superstition* than they who are herein charged with an endeavour of continuing it.

### VIII.

*To the Reasons of the eighth Grievance  
We Answer.*

1. That the University, by ancient Custom confirmed by Act of Parliament, have used to make *By-laws* for the better ordering and government of the University and Schollars therein; which By-laws bind not only Schollars but Tradsmen also in relation to the Ordering and Government of Schollars and not otherwise; And this power is adjudged in diverse Book-cases to be binding unto strangers in the like cases, albeit they never actually consented by themselves or any immediate Representatives to the making of such By-Laws.

2. That the Petitioners themselves in other cases, do both claim and exercise a like power over the Estates and Persons of diverse Inhabitants in *Oxon* not of their Corporation, nor any waies privy or consenting to their Orders, either by themselves or any Representatives.

As to the instance concerning *Taylor*, we answer as before. That we have not made any By-laws concerning them, but in relation to the Government of Schollars, and we conceive it inconvenient



nient that it should be in the power of Tailors to inveigle young Gentlemen into new and chargeable fashions in Apparel, contrary to the desires of their Parents, the direction of their Tutors, and the publick Discipline and Order of the Vniversity, meerly to enhance their own prices in the making, and the Mercers gains in the selling, of such dear but unnecessary trimmings as this instance relates unto: And we say farther, That we know none more guilty of the Grievance here objected to the Vniversity then the Tailors of *Oxford* themselves are.

## IX.

*To the Reasons of the ninth Grievance,  
We Answer.*

1. That the particulars here in Question are meerly matter of Law, to which of the two Corporations, *Felons Goods* and *Deodands* do of right belong; The Vniversity claims them as granted to us in expresse words by an Ancient Charter (the only way by which they can be granted) and this Charter is confirmed by Act of Parliament; and we deny that the City have any such Charter precedent to ours that does grant them to the City, and upon this we are ready to submit to a Tryal at Law.

2. That if the Petitioners have no good Charter for them, then their having the Custody and Charge of the *Gaole*, and the power to try the *Prisoners* when they purchase such a Commission, and their being liable to *Escapes*, will not entitle them to the *Goods of Felons* (much less to *Deodands*) nothing being more known and ordinary then for several

veral Lords of Franchises to have the Goods of such Felons as were their Tenants, who yet are not kept or tryed at their charges.

3. We say though the Cittie have *one* Gaol with the custody whereof they are charged, yet there is another within the Liberties of the Citie and used by the Countie, to which the Univerſitie does commit moſt of their Priſoners, and may do ſo by all.

4. Though they by *charged* with their *Goal* and *Priſoners*, yet it is very little charges to them: ſuch Priſoners as have where-withall being maintained out of their own goods; and ſuch as have not, by Alms, eſpecially of the Univerſitie and Colledges; the Gaoler in the mean time making a good advantage of his place by Fees and otherwiſe.

5. What charges they voluntarilie put themſelves to in the trials of Felons, is more then they need to do: for if the Felons be of the Bodie of the Univerſitie, they may be tried before our Steward at our charges if we pleaſe. And if they be not of our Bodie, they may and have been tried before the Judges of Aſſize and Gaol deliverie for the Countie.

6. Why ſuch Perquiſites as are meerlie matter of profit ſhould be thought by the Cittizens ſo improper for Schollars to enjoy, we do not underſtand, nor do we know how they do or can engage Schollars in ſuch trouble as is ſurmised; which the Univerſitie do receive by the hands

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of

of their Bailiffs and may (if they please) rent them out to any other person.

7. All the pretensions of the Petitioners in point of convenience do nothing respect either *Dredands* the goods of *Fugitives*, *Treasure Trove*, and other particulars which are in like manner challenged both by the *Universitie* and *City* upon the same titles as *Felons Goods* are.

## X.

### *To the Reasons of the tenth Grievance.*

1. We answer and denie that the *City* hath any power by Charter or otherwise to set up *Taverns* or to Licence the selling of Wine by retail in *Oxon*; nor doth the Statute of 7<sup>th</sup>. *Edw. 6<sup>th</sup>. cap. 5<sup>th</sup>*. by Letter or Equity enable them so to do. But the *Universitie* both at the time and long before the making of that Statute had & used the Priviledge of Licencing and suppressing of Taverns in *Oxon*. And this our Priviledge is saved unto us, by an expresse *Provisio* in that Statute, by virtue whereof we do justifie the inhibiting the *City* to erect *Taverns*, or Licence the sale of Wine by retail in *Oxon*.

2. We further say, that in respect of that power which we claim and exercise over *Vintners*, *Brewers*, *Bakers*, and other *Viſualers*, & in the Market, and for those small perquisites we receive thence, the *Citizens* are yearly abated, and the *Univerſity* was anciently charged with a considerable part of their *Fee Farm rent*, whereas we do not receive any considerable benefit this way proportionable to what the *City* hath, or claimes to have, as belonging

ging to their Fee Farm other waies.

# XI.

## *To the Reasons of the Eleventh Grievance*

We answer. 1. That it is one of the most ancient Liberties of the Vniversitie, that the Priviledged persons thereof may use any *Trade* and exercise any Merchandize in *Oxford*, or the Suburbs thereof as freely as any Cittizen; & this hath been confirmed unto us not only by Act of Parliament, and Judgment in Parliament, but also by Indentures of Composition between the two Bodies, whereby the Priviledged persons have been ascertained that should exercise such Trade & Merchandize; who in that regard are to be talliable by scot and lot and other charges with the Free-men of the City.

2. We do not otherwise then according to this Priviledge assume power to set up Trades within the City; nor do we authorize *Forreigners* to exercise Trades in *Oxon*, other then such as by the Law of the Land and Priviledge of the Vniversity are, and ought to be allowed, however some of them have of late years been unjustly molested by the Cittizens for so doing.

3. We deny that the City has any Charter so confirmed as is pretended to exclude Priviledged persons from exercising lawful Trades, and selling by Retail within the City, though they be not of their Guild; no such Charter having hitherto been produced upon former Hearings when this point has been in debate betwixt us.

4. Lastly we humbly conceive this Libertie can-

not in equity and good conscience be taken from Priviledged persons, who are many of them Butlers, and Manciples, or other Officers and Servants to the University, and the Colledges, and Halls therein, having wives and Children to maintain, which they cannot otherwise do then by Exercising lawful Trades; their small wages and allowances which they receive by their respective places being scarce sufficient to maintain them in meat and cloathes and other necessities, if they were single persons and had no other charge.

*To the Conclusion.*

By what hath been said on either party we suppose it does sufficiently appear that some of the particulars in controversy betwixt us (which the Univerfity claims as their just and ancient Priviledges, and the Citty complain of as Grievances) do concern meerly matter of *profit* and *interest*; to which if our Title be good in *Law*, we hope they will not be thought *inconvenient* for us to enjoy; though the City desire to strip us of them: And because a full hearing and exact discussion of all their and our Charters and Pretensions, would occasion much trouble to this Honourable Committee, we therefore humbly pray that we may be left to a tryal at Law for all such things as are meerly matter of Title, and not be disturbed in our possession till we shall be evicted by Law.

As for other Particulars which concern matter of

*Power*

*Power and Jurisdiction* we likewise humbly desire,  
 That our *Right* may be cleared and acknowledged  
*first*, and *then* the matter of *Convenience* taken into  
 consideration; whereby we hope it will appear,  
 that as those Priviledges are *just* and legal, so they  
 are no way *unfit*, but absolutely *necessary* for us to  
 enjoy, as tending to the advancement of Piety, Ci-  
 vility, and Learning, no way derogatory to the  
 Power of the Civil Magistrate, nor founded upon  
 Superstition or Tyranny, nor inconsistent with the  
 just freedom and immunities of the Citizens.  
 Wherein we desire it may be considered, That ma-  
 ny large immunities and Priviledges have been  
 granted and are enjoyed by the City in respect of  
 the University: That their principal Benefactors  
 have been members of the University: That they  
 receive an ample benefit by our continual com-  
 merce and trading with them, all or most of our  
 Revenue coming in from abroad, but expended a-  
 mongst them: That their Children receive a libe-  
 ral education and preferment amongst us, beyond  
 the proportion of other places: That, if it were  
 not for the University, the City of *Oxford* would be  
 but of mean consideration: That there are many o-  
 ther Cities, but only one more University in the  
 Land, and those two as famous as any in the World:  
 That the Universities are the publick Nurseries of  
 Religion, Piety, Learning, and Civility, and there-  
 fore have ever been the great Care of Parliaments,  
 and the Glory of the Nation: That though some  
 of the Powers claimed and exercised by the Uni-  
 versity over the Citizens may seem *Grievous* to the  
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Citizens, yet are they Necessary for us, without which it would be impossible to give a good accompt of that great trust which is committed to us for the training up of youth, upon whose education not only their own welfare, but the flourishing condition of the Common-wealth (next under God) does very much depend.

We therefore humbly desire and pray, That the Golden reins of that ancient Discipline by which both the Vniversity and Citty have for so many hundred of years stood and flourished together, may not be let loose, to the certain debauching of both Bodies, for the enriching and advantage of one, nor be committed to other hands; which would (we fear) engage the members of both Bodies in continual quarrels, and open a gap to such sad consequents, as we shall be sorry to see, but unable to prevent,

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**FINIS.**

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